EXHIBIT A

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

---X

FRAGRANCENET.COM, INC.,

Plaintiff,

-v-

FRAGRANCEX.COM, INC. and JOHN DOES 1-20,

Defendants.

---X

CV 06 2225 (JFB) (AKT)

DEFENDANT'S RESPONSES TO PLAINTIFF'S INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

Defendant FragranceX.com, Inc. ("defendant"), by its attorneys Moses & Singer LLP, answers and objects to plaintiff's interrogatories and document requests as follows:

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

Defendant objects to Definition B on the grounds that it is vague and ambiguous, since Defendant cannot determine the identity of all the persons and entities referred to in said definition, overly broad and unduly burdensome, and imposes obligations beyond the requirements of the Federal Rules of Civil Procedure.

Defendant objects to all definitions and instructions that impose obligations beyond the requirements of the Federal Rules of Civil Procedure.

GENERAL OBJECTIONS

Defendant objects to all Document Requests and Interrogatories to the extent that they call for information subject to the attorney-client, work product, or any other applicable privilege or immunity.

REQUESTS FOR DOCUMENTS AND THINGS

1. All document concerning the conception, development or creation of defendant's on-line store, including but not limited to its product offering, market research, advertising and Web site design.

Answer/Objection 1. Defendant objects to this request on the ground that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

2. All documents concerning the art work, sketches, illustration and other written materials prepared by or for or used by defendant in developing its Web site.

Answer/Objection 2. Defendant objects to this request on the ground that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

3. For each photograph of a product FragranceX offers for sale on its Web site, including plaintiff's Photographs or copies thereof, all documents concerning how, when, where and by whom they were created or obtained.

Answer/Objection 3. Defendant objects to this request on the ground that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection, defendant will produce any documents concerning the allegedly infringing photographs.

4. For each photograph of the products FragranceX offers for sale on its Web site, including plaintiff's Photographs or copies thereof, all documents concerning how, when, where and by whom they were uploaded to, or displayed on, FragranceX's Website.

Answer/Objection 4. Defendant objects to this request on the ground that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection, defendant will produce any documents concerning the allegedly infringing photographs.

5. Documents relating to FragranceX's knowledge or awareness of FragranceNet, its Website, and plaintiff's Photographs displayed thereon.

Answer/Objection 5. Defendant objects to this request on the ground that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection, defendant will produce any documents concerning the period up to and including the alleged infringement of plaintiff's alleged copyrights.

6. Documents and things sufficient to show any Web site not owned by a party to this action that has displayed or is displaying plaintiff's Photographs or copies thereof.

Answer/Objection 6. Defendant is not aware of any responsive documents.

7. All documents and things concerning the computer programs, computer hardware and computer software used, developed or modified for use by FragranceX in the conduct of its business, including but not limited to all historical data and long files, whether maintained on FragranceX's premises, by an Internet service provider or elsewhere.

Answer/Objection 7. Defendant objects to this request on the ground that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

8. Documents that refer or relate to any inquiry or investigation conducted by defendant regarding any issues involved in this action.

Answer/Objection 8. Defendant is not aware of any non-privileged responsive documents.

9. Documents sufficient to show any prior claims of copying or copyright infringement made against defendant, including but not limited to any legal actions that have been brought against defendant for copyright infringement and/or unfair competition.

Answer/Objection 9. Defendant objects to this request on the ground that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence insofar as it seeks information concerning any legal actions other than copyright actions.

10. Documents concerning the establishment and/or continuation and/or ending of each drop-ship arrangement, each affiliate arrangement and each arrangement with a shopping comparison Web site between defendant and any third party.

Answer/Objection 10. Defendant objects to this request on the ground that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence and on the ground that it seeks confidential information.

11. Documents sufficient to show defendant's gross revenue from May 31, 2001 to the present.

Answer/Objection 11. Defendant objects to this request on the ground that it is overbroad and unduly burdensome and on the ground that it seeks confidential information.

12. Documents sufficient to show defendant's costs of goods sold and any other expenses that defendant asserts is a deductible expense associated with the sale of its products from May 31, 2001 to the present.

Answer/Objection 12. Defendant objects to this request on the ground that it is overbroad and unduly burdensome and on the ground that it seeks confidential information.

13. Documents sufficient to show the sales, profit, cost of goods sold and actual expenditures for advertising ad marketing for each drop-shipper arrangement, affiliate arrangement and each arrangement with a shopping comparison Web site between defendant and any third party.

Answer/Objection 13. Defendant objects to this request on the ground that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence and on the ground that it seeks confidential information.

14. Documents sufficient to show the financial projections or analyses prepared by or for FrangranceX with respect to its sales, costs of goods sold, advertising and marketing from May 31, 2000 to the present, internally for its own use and/or given o any third party.

Answer/Objection 14. Defendant objects to this request on the ground that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence and on the ground that it seeks confidential information.

15. Documents showing FragranceX's sales by quarter, in units and dollars, including all profit and loss statements, from May 31, 2001 to the present.

Answer/Objection 15. Defendant objects to this request on the ground that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence and on the ground that it seeks confidential information.

16. Documents sufficient to show FragranceX's advertising, marketing and promotion expenses from May 31, 2001 to the present.

Answer/Objection 16. Defendant objects to this request on the ground that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence and on the ground that it seeks confidential information.

INTERROGATORIES

1. Identify all persons who were involved in conceiving of, creating or developing defendant's on-line store, including but not limited to its product offerings, market research, advertising and Web site design.

Answer/Objection 1. Defendant objects to this interrogatory on the ground that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence and on the ground that it seeks confidential information. Subject to the foregoing objection, Mr. Ron Yakuel, FragranceX.com, Inc., 48-10 37th Street, Long Island City, New York 11101, 718-482-6970.

2. Identify all persons involved in selecting and/or deciding the manner in which FragranceX's products or photographs thereof would be displayed on its Web site.

Answer/Objection 2. Mr. Ron Yakuel, identified in answer 1.

3. Identify all persons involved in obtaining, uploading and displaying plaintiff's Photographs or copies thereof on FragranceX's Web site.

Answer/Objection 3. Mr. Ron Yakuel, identified in answer 1.

4. With respect to each Photograph set forth in Exhibit C to plaintiff's Second Amended Complaint, identify who took the photograph, when it was taken, how it was taken (digital or otherwise), where it was taken and how it was uploaded to FragranceX's Web site.

Answer/Objection 4. Upon information and belief, all of the photographs were taken by Ron Yakuel, identified in answer 1, with a digital camera and uploaded by him. Defendant will supply documents containing information concerning the time of taking and uploading pursuant to Rule 33(d).

5. To the extent plaintiff's Photographs as set forth on Exhibit C of plaintiff's Second Amended Complaint have been removed from FragranceX's Web site and replaced with other photographs, describe for each such photograph who took the photograph, when it was taken, how it was taken, where it was taken and how and when it was uploaded to FragranceX's Web site.

Answer/Objection 5. See answer 4.

6. Identify all persons who review or monitor the Web sites and product offerings of any on-line fragrance stores that compete with FragranceX.

Answer/Objection 6. Ron Yakuel, identified in answer 1.

7. Identify all persons, including any of your affiliates, who have had possession of plaintiff's Photographs or copies thereof, in any form or format and describe the circumstances under which such persons came to be in possession of plaintiff's Photographs.

Answer/Objection 7. Defendant knows of none.

8. Identify all drop-shippers, shopping comparison Web sites, or other Web sites from whom FragranceX has supplied products or to whom FragranceX has supplied product photographs since the year 2000.

Answer/Objection 8. Defendant objects to this request on the ground that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence and on the ground that it seeks confidential information.

9. Identify any computer programs FragranceX used to obtain or copy any photographs from plaintiff's Web site.

Answer/Objection 9. None.

10. Identify all internet service provider's FragranceX utilized since 2000 to host its Web site.

Answer/Objection 10. Rackspace.com and Yahoo.com.

11. Identify how all communications including but not limited to email messages are and have served, backed up, archived and/or stored since the year 2001.

Answer/Objection 11. Backups are made and held by Rackspace.com.

Dated: August 20, 2007
New York, New York

MOSES & SINGER LLP
Counsel for Defendant FragranceX.com, Inc.

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VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF QUEENS)

RON YAKUEL declares:

I am the President of defendant. I have read the foregoing Defendant's Responses To Plaintiff's Interrogatories. The answers to said interrogatories are true to his own knowledge, and based upon information from the books and records of defendant.

The reason this verification is not made by defendant is that said defendant is a corporation and your deponent is an officer thereof as aforesaid.

I declare under penalties of perjury that the foregoing is true and correct.

Dated: August 20, 2007

RON YAKUEL